

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**BENJAMIN EARL DODD, JR.,  
ADC #132322**

**PLAINTIFF**

**V.**

**CASE NO. 4:18-CV-487-JM-BD**

**J. LATTIMORE, et al.**

**DEFENDANTS**

**ORDER**

The Court has received a Recommended Disposition (“Recommendation”) from Magistrate Judge Beth Deere. After careful consideration of the Recommendation and Mr. Dodd’s timely objections, and after a *de novo* review of the record, the Court concludes that the Recommendation should be, and hereby is, approved and adopted as this Court’s findings in all respects.<sup>1</sup>

Mr. Dodd’s claims are DISMISSED, with prejudice, based on his failure to state a constitutional claim. This dismissal constitutes a “strike” for purposes of 28 U.S.C. § 1915(g).

IT IS SO ORDERED, this 11<sup>th</sup> day of September, 2018.

  
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**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> Plaintiff’s claims of harassment and failure to follow policy also fail. First, mere harassment, threats or verbal abuse does not give rise to a violation under 42 U.S.C. § 1983. *See Frietas v. Ault*, 109 F.3d 1335 (8th Cir.1997). Further, the failure to follow prison policy is not a constitutional violation. *See Gardner v. Howard*, 109 F.3d 427, 430 (8th Cir.1997).